



Attorney Docket No. 5697-39DV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Worm *et al.*

Confirmation No.: 5474

Serial No.: 10/695,544

Group Art Unit: 1765

Filed: October 28, 2003

For: DIVIDED PRESSURE VESSEL APPARATUS FOR CARBON DIOXIDE BASED
SYSTEMS AND METHODS OF USING SAME

Date: February 20, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicants hereby petition to grant the proper filing date of October 28, 2003 rather than October 29, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of October 28, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com), showing "acceptance" or deposit date with the USPS at 5:31 p.m. on October 28, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicants were improperly given the filing date of October 29, 2003 instead of the Express Mail date of October 28, 2003.

This petition is being filed promptly after Applicants became aware of the improperly accorded filing date. Accordingly, Applicants respectfully request the granting of October 28, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Worm *et al.*
Serial No.: 10/695,544
Filed: October 28, 2003
Page 2

On the basis that Applicants properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicants' belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

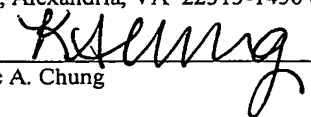


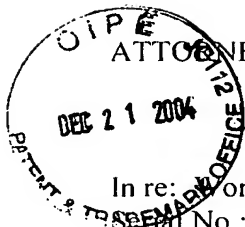
David D. Beatty
Attorney For Applicants
Registration No. 38,071

USPTO Customer No. 39072
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 20, 2004.


Katie A. Chung



ATTORNEY DOCKET NO. 5697-39DV

PATENT

DAG/TFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: *Form et al.*

Confirmation No.: 5474

Serial No.: 10/695,544

Group Art Unit: 1765

Filed: October 28, 2003

For: DIVIDED PRESSURE VESSEL APPARATUS FOR CARBON DIOXIDE BASED
SYSTEMS AND METHODS OF USING SAME

Date: December 17, 2004

Attention: Charlema Grant
Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22212-1450

RESUBMITTAL OF PETITION TO ACCORD PROPER FILING DATE

Dear Ms. Grant:

Enclosed herewith please find a copy of a Petition to Accord Proper Filing Date dated February 20, 2004 (hereinafter "Petition") for the above-identified patent application. As instructed by USPTO representative Steven Bentley on December 1, 2004, Applicants are resubmitting the Petition because Applicants have not received confirmation that the Patent Office has received the original Petition. Also enclosed herewith is a copy of the return postcard with the USPTO stamp of receipt of the previously submitted Petition on February 20, 2004. The United States Patent and Trademark Office Patent Application Information Retrieval (PAIR) system also does not indicate that the original document has been received.

This petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-0220.

Applicants respectfully request that the granting of October 28, 2003 as the filing date pursuant to 37 CFR § 1.10.

Respectfully submitted,

David D. Beatty
Registration No. 38,071

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Certificate of Mailing under 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 on December 17, 2004.

Katie A. Chung



DDB:kac

02-26-04



5697-39DV
February 20, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:

- 1) **Petition to Accord the Proper Filing Date**
- 2) **Utility Patent Application Transmittal Letter and Fee Transmittal form**
- 3) **Express Mail Receipt and USPS- Track & Confirm form**
- 4) **Copy of the Return Postcard**
- 5) **Copy of the Official Filing Receipt**

In re: Worm et al.; Serial No.: 10/695,544; Filed: October 28, 2003; For: DIVIDED
PRESSURE VESSEL APPARATUS FOR CARBON DIOXIDE BASED SYSTEMS
AND METHODS OF USING SAME

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC



COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5697-39DV

DATE: October 27, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))**

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☐ a patent application
☐ a Continuation ☒ a **Divisional** ☐ a Continuation-in-Part (CIP) Application of prior application no.: 09/976,551; filed October 12, 2001, the disclosure of which is hereby incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Steve L. Worm, Raleigh, NC ; James P. DeYoung, Durham, NC; James B. McClain, Raleigh, NC;
David E. Brainard, Knightdale, NC;

Entitled:

DIVIDED PRESSURE VESSEL APPARATUS FOR CARBON DIOXIDE BASED SYSTEMS AND METHODS OF USING SAME

Correspondence Address:

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 44 pages of Specification (including 28 claims)
3. ☒ 8 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)
 - b. ☒ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☒ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

EV318416404US

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*) Filed in parent.
9. ☐ Applicant claims small entity status. See 37 CFR 1.27.
10. ☒ Information Disclosure Statement and PTO-1449
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$370.00	\$ 740.00
TOTAL CLAIMS	28- 20 =	8	x 09 = \$	x 18 = \$ 144
INDEP CLAIMS	2 - 3 =	0	x 43 = \$	x 86 = \$0
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$ 884

- ☒ A check in the amount of \$844.00 to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 - a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,




David D. Beatty
Registration No. 38,071

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV318416404 US
Date of Deposit: October 28, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: BOX PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231.


Lyndsey D. Hall



EV 318416404 US



UNITED STATES POSTAL SERVICE®

Customer Copy

Label 11-F June 2002

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)			DELIVERY (POSTAL USE ONLY)		
PO ZIP Code 27622	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Date In Mo. Day Year	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee	<input type="checkbox"/> WALVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials [Signature]	Total Postage & Fees \$ 13.65	NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		
CUSTOMER USE ONLY			Customer Signature		
METHOD OF PAYMENT: A210081			Federal Agency Acct. No. or Postal Service Acct. No.		
Express Mail Corporate Acct. No.					
FROM: (PLEASE PRINT) 919 854 1400 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH NC 27627-7428 5697.39DV KDS/ldh			TO: (PLEASE PRINT) PHONE () MAILSTOP PATENT APELICATION COMMISSSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450		
PRESS HARD: You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com					

[Home](#)

Track & Confirm

Shipment Details

You entered EV31 8416 404U S

Your item was delivered at 9:43 am on October 29, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by J STECKEL.

Here is what happened earlier:

- ARRIVAL AT UNIT, October 29, 2003, 7:46 am, DULLES, VA 20102
- ENROUTE, October 28, 2003, 6:45 pm, RALEIGH, NC 27623
- ACCEPTANCE, October 28, 2003, 5:31 pm, RALEIGH, NC 27612

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Go >](#)

[Track & Confirm FAQs](#)

[Go >](#)



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RDB/ldn Date: 10/28/03
Doc. No. 51697 391DV
Serial No. _____
Inventor: WOMM ET AL

11-06-03 A09:11

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

<input checked="" type="checkbox"/> Application Transmittal and:	<input checked="" type="checkbox"/> Check \$ <u>844</u>
<input checked="" type="checkbox"/> Specification pages <u>44</u>	<input checked="" type="checkbox"/> IDS & PTO-1449 & <u>16</u> refs.
<input checked="" type="checkbox"/> No. of Claims <u>28</u>	<input type="checkbox"/> Amendment & Amend. Transmittal
<input checked="" type="checkbox"/> Declaration & POA	<input type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> Assignment and Fee	<input type="checkbox"/> Issue Fee
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Brief
<input checked="" type="checkbox"/> Formal Drawings/ <u>8</u> sheets	<input type="checkbox"/> Appeal
<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Submittal of Priority Doc.
<input checked="" type="checkbox"/> Exp. Mail <input type="checkbox"/> 1st Class Mail	

Other: _____

03917 U.S. PTO
10/695544



Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

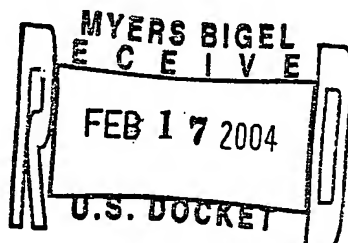
COPY

RDS

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/695,544	10/29/2003	1765	914	5697-39DV	8	28	2

20792
 MYERS BIGEL SIBLEY & SAJOVEC
 PO BOX 37428
 RALEIGH, NC 27627



CONFIRMATION NO. 5474

FILING RECEIPT



OC000000011903649

Date Mailed: 02/13/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Steven L. Worm, Raleigh, NC;
 James P. DeYoung, Durham, NC;
 James B. McClain, Raleigh, NC;
 David E. Brainard, Wake Forest, NC;

Domestic Priority data as claimed by applicant

This application is a DIV of 09/976,551 10/12/2001
 which claims benefit of 60/240,473 10/13/2000

Foreign Applications

If Required, Foreign Filing License Granted: 02/13/2004

Projected Publication Date: 05/27/2004

Non-Publication Request: No

Early Publication Request: No

02-15-04 A05:53 IN

Title

Divided pressure vessel apparatus for carbon dioxide based systems and methods of using same

Preliminary Class

438

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).